

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ADVANCED MARKETING)
SERVICES, INC.,)
Plaintiff,)
v.) Civil Action No. 04-cv-11547-WGY
TENNESSEE VIRGINIA MULTIPLE)
LISTING SERVICE, INC.,)
Defendant.)

)

**JOINT MOTION OF THE PARTIES
TO RESCHEDULE LR 16.1 SCHEDULING CONFERENCE**

Now come all parties to the above-captioned action and hereby move this Honorable Court to continue the LR 16.1 scheduling conference, currently set for October 18, 2004 at 2 p.m. before Chief Judge Young, for twenty-one (21) days, rescheduling the conference to November 8, 2004, or any date thereafter convenient to the Court. As reasons in support, the parties offer the following:

- 1) The parties have tentatively scheduled a mediation of this matter before Judge James V. Ryan of JAMS/Endispute for the morning of October 18, 2004. This is the first date available to all parties and the agreed-upon mediator.
- 2) Given the amount in controversy in this matter, the parties believe that the cost to prepare for the LR 16.1 conference may be significant with respect to the amount of any potential settlement. The parties would like the opportunity to attempt to settle this matter prior to expending any such litigation costs, and therefore allow these amounts to be available for contribution to settlement.
- 3) No prejudice would result to either party by the allowance of this motion.

4) The parties seek only the minimum amount of time such that they would be able to mediate this controversy before they are obliged to meet under Fed. R. Civ. P. 26 and LR 16.1.

WHEREFORE, the Parties respectfully request that this Court grant the relief requested.

A proposed Order is attached hereto.

Respectfully submitted,

The Parties,

ADVANCED MARKETING SERVICES, INC.

TENNESSEE-VIRGINIA MULTIPLE LISTING SERVICE, INC.

By its attorneys,

/s/

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Dated: September 16, 2004